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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,929	09/30/2003	Rodney B. Kendrick	7784-000652	5150
65961 7590 01/30/2008 HARNESS DICKEY & PIERCE, PLC P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER RANGREJ, SHEETAL	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,929	KENDRICK, RODNEY B.	
	Examiner	Art Unit	
	SHEETAL R. RANGREJ	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24, and 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Prosecution History Summary

1. Claims 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24, and 28-34 are pending.
2. Claims 1, 4, 5, 14, 15, 16, 20, 23, 24, and 28-34 are amended.
3. Claims 2, 3, 6, 7, 8, 12, 13, 17, 18, 21, 22, and 25-27 are cancelled.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24, and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (U.S. Publication No. 2002/0128882) in view of Wright (U.S. Patent No. 6,052,466) and further in view of McMillan et al. (U.S. Patent No. 5,797,134).

6. As per claim 1, Nakagawa teaches a method of calculating automobile insurance for a vehicle of a customer of a contracting company, the method comprising:

-acquiring location information of the vehicle with a location system on the vehicle (Nakagawa: para. 0053-0054);

-deriving a first cost increment by evaluating at least said location information, said vehicle performance information and a pricing database, wherein said deriving of said first cost increment is performed on the vehicle (Nakagawa: para. 0053-0057);

-connecting a billing transmission system on the vehicle with the contracting company (Nakagawa: para. 0059)

-transmitting said first cost increment from the billing transmission system to the contracting company, wherein said first cost increment is devoid of said location information and said vehicle performance information (Nakagawa: para. 0032-0035; para. 0095-0096);

-transmitting said second cost increment from the billing transmission system to the contracting company, wherein said second cost increment is devoid of location information and said vehicle performance information; and

-preparing billing for the customer from the contracting company based on at least said first and said second cost increments.

Generating different amounts (i.e. first and second cost increments) does not change the invention as a whole and goes through the same process at deriving the costs and therefore Nakagawa's system teaches generation of cost increments as stated.

Nakagawa does not teach a method of calculating automobile insurance for a vehicle of a customer of a contracting company, the method comprising: -restricting access to by at least encrypting said information and said vehicle performance information, -accessing by at least decrypting said location information and said vehicle performance information with an access key, wherein said access key consists of a first passkey retained by the customer and a second passkey retained by a contracting company, and -providing access for the customer outside of the vehicle to said first cost increment prior to the contracting company billing the customer, wherein said providing access to said first cost increment is adapted to permit the customer to alter driving habits to adjust a second cost increment.

Wright teaches a method of calculating automobile insurance for a vehicle of a customer of a contracting company, the method comprising: restricting access to by at least encrypting

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said information and said vehicle performance information (Wright: col. 5, 19 to col.. 6, 2) and accessing by at least decrypting said location information and said vehicle performance information with an access key, wherein said access key consists of a first passkey retained by the customer and a second passkey retained by a contracting company (Wright: col. 5, 19 to col.. 6, 2).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Nakagawa and Wright with the motivation that if communication concerns sensitive information that it is common for the parties to employ a security protocol (such as encryption) to prevent the eavesdropper from being able to discover the communicated information (Wright: col. 1, 14-23).

Wright does not teach a method of calculating automobile insurance for a vehicle of a customer of a contracting company, the method comprising providing access for the customer outside of the vehicle to said first cost increment prior to the contracting company billing the customer, wherein said providing access to said first cost increment is adapted to permit the customer to alter driving habits to adjust a second cost increment.

McMillan teaches a method of calculating automobile insurance for a vehicle of a customer of a contracting company, the method comprising providing access for the customer outside of the vehicle to said first cost increment prior to the contracting company billing the customer, wherein said providing access to said first cost increment is adapted to permit the customer to alter driving habits to adjust a second cost increment (McMillan: col. 6, 23-29).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Nakagawa in view of Wright and McMillan with the

motivation that none of the data obtained through conventional systems reliably predict the manner or safety of future operation of the vehicle and to help drivers make better decisions about driving habits (**McMillan: col. 2, 40-55**).

7. As per claim 4, the method of claim 1 is as described. Nakagawa and Wright do not teach wherein said location information includes at least one of a geographical location of the vehicle, a duration of time the vehicle is located at said geographical location, a vehicle speed.

McMillan teaches wherein said location information includes at least one of a geographical location of the vehicle (**McMillan: col. 6, 58-62**), a duration of time the vehicle is located at said geographical location (**McMillan: col. 4, 35-36**), a vehicle speed (**McMillan: col. 7, 60**).

The motivation to combine the teachings is the same as claim 1.

8. As per claim 5, the method of claim 1 is as described. Nakagawa and Wright do not teach wherein said vehicle information includes at least one of a vehicle speed.

McMillan teaches wherein said vehicle information includes at least one of a vehicle speed (**McMillan: col. 7, 60**).

The motivation to combine the teachings is the same as claim 1.

9. As per claim 9, the method of claim 1 is as described. Nakagawa and Wright do not teach wherein said location system includes at least one of a global positioning satellite receiver to determine location and a geographical database configured to be resident on the device.

McMillan teaches wherein said location system includes at least one of a global positioning satellite receiver to determine location and a geographical database configured to be resident on the device (**McMillan: col. 6, 58-62**).

The motivation to combine the teachings is the same as claim 1.

10. As per claim 10, the method of claim 1 is as described. Nakagawa and Wright do not teach wherein said pricing database at least includes actuarial statistics.

McMillan teaches wherein said pricing database at least includes actuarial statistics **(McMillan: col. 4, 28-59)**.

The motivation to combine the teachings is the same as claim 1.

11. As per claim 14, the method of claim 1 is as described. Nakagawa further teaches wherein said providing access for the customer to said first cost increment includes at least one of internet web site interface, a phone interface, a customer service interface, and combinations thereof **(Nakagawa: para. 0053; para. 0057)**. The examiner interprets that the display means is the same as any interface receiving data from a remote location.

12. As per claim 15, the method of claim 1 is as described. Nakagawa and Wright do not teach wherein transmitting said cost increment includes at least one of establishing a cellular phone connection, establishing a radio connection, establishing microwave communication, establishing a phone connection, establishing an internet connection, and combinations thereof.

McMillan teaches wherein transmitting said cost increment includes at least one of establishing a cellular phone connection, establishing a radio connection, establishing microwave communication, establishing a phone connection, establishing an internet connection, and combinations thereof **(McMillan: col. 6, 62-64)**.

The motivation to combine the teachings is the same as claim 1.

13. As per claim 16, Nakagawa teaches a vehicle insurance computation device that is installed in a vehicle and communicates with a contracting company comprising:

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-a computation device configured to acquire location information of the vehicle and derive a cost increment by evaluating at least said location information and a pricing database (**Nakagawa: para. 0053; para. 0061**); and

-a transmitting device to send said cost increment to the contracting company, wherein said cost increment essentially consists of monetary information (**Nakagawa: para. 0053; i.e. on-board radio part**).

Claims 16 amended with the same limitations as claim 1, therefore the rejection, remarks, and motivation for claim 1 applies to claim 16. Applicant should refer to claim 1 rejections' limitations to apply to claim 16.

14. As per claims 19-20: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of Wright and further in view of McMillan in the above rejection of claims 4-5, it is readily apparent that the Nakagawa in view of Wright and further in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 4-5 and incorporated herein.

15. As per claims 23-24: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of Wright and further in view of McMillan in the above rejection of claims 9-10, it is readily apparent that the Nakagawa in view of Wright and further in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 9-10 and incorporated herein.

16. As per claim 28: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of Wright and further in view of McMillan in the above rejection of claims 14, it is readily apparent that the Nakagawa in view of Wright and further in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 14 and incorporated herein.

17. As per claim 29: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of Wright and further in view of McMillan in the above rejection of claim 15, it is readily apparent that the Nakagawa in view of Wright and further in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 15 and incorporated herein.

18. As per claim 30, Nakagawa teaches a method of determining a cost of insuring a motor vehicle, comprising:

- using a monitoring apparatus located on-board the motor vehicle to at least assist in monitoring an operational factor associated with the vehicle in real time (**Nakagawa: para. 0053; para. 0071**);
- recording information relating to said operational factor (**Nakagawa: 0071**); and
- using said recorded information to determine an incremental insurance cost for said motor vehicle related to a given incremental time period (**Nakagawa: para. 0073**).

Claims 30 amended with the same limitations as claim 1, therefore the rejection, remarks, and motivation for claim 1 applies to claim 30. Applicant should refer to claim 1 rejection's limitations to apply to claim 30.

19. As per claim 31, the method of claim 30 is as described. Nakagawa further teaches further comprising having an underwriting entity provide the operator with a charge for an insuring the motor vehicle, based on said first and said second incremental insurance costs, for said given incremental time period (**Nakagawa: para. 0050**).

20. As per claim 32, the method of claim 30 is as described. Nakagawa and Wright do not teach determining said first incremental insurance cost comprises using a cost calculation system and a cost lookup database on the motor vehicle having actuarial information, in addition to said operational factor.

McMillan teaches determining said first incremental insurance cost comprises using a cost calculation system and a cost lookup database on the motor vehicle having actuarial information, in addition to said operational factor (**McMillan: col. 4, 28-59**).

The motivation to combine the teachings is the same as claim 1.

21. As per claim 33, the method of claim 30 is as described. Nakagawa further teaches wherein monitoring said operational factor of the motor vehicle comprises monitoring at least one of the group of variable comprising:

- a speed of the motor vehicle (**Nakagawa: para. 0072**);
- an acceleration of the motor vehicle (**Nakagawa: para. 0072**); and
- a deceleration of the motor vehicle (**Nakagawa: para. 0072**).

22. As per claim 34, the method of claim 33 is as described. Nakagawa and Wright do not teach further comprising using an external location identification system for assisting in determining a geographic location of the motor vehicle.

McMillan teaches further comprising using an external location identification system for assisting in determining a geographic location of the motor vehicle (**McMillan: col. 6, 58-62**).

The motivation to combine the teachings is the same as claim 2.

Response to Arguments

23. Applicant's arguments with respect to claims 1, 4, 5, 9, 10, 14-16, 19, 20, 23, 24, and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEETAL R. RANGREJ whose telephone number is (571)270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR

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11/18/08


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